IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.511 OF 2007

Husnain Amin Ahmed Qureshi ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri R.S.Kate with R.D.Suryavanshi, advs. for the Applicant.
Ms.M.H.Mhatre, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 9th March, 2007.

P.C.:

1. Heard Mr.Kate, the learned counsel for the applicant and Mrs.Mhatre, the learned APP for the State.

2. The applicant seeks to be released on bail in crime no.97 of 2006 registered at Nizampura police station, Bhiwandi for the offences punishable under Sections 307, 332, 333, 353, 427 read with Sections 143, 144, 147,, 148, 149 of the I.P.C.

3. Prosecution case in brief, is that construction of police station building was taken up at Bhiwandi. A mob of about 1,000 to 2,000 persons consisting of members of Muslim community and particularly members of Raza academy and other organisations assembled opposing the construction of the said building as it was near

some mosque. It is alleged that those persons were with iron rods, sticks, knives and choppers, etc. and they attacked D.C.P. office and control room of Bhiwandi police station with intent to burn the same. They also pelted stones causing extensive damage. In view of this the offence came to be registered . The charge-sheet has been filed against in all 33 persons. The present applicant is one of them. According to the prosecution the present applicant was identified as one of the persons, who was pelting stones on the police during that incident by one witness Irfan Ahmed Ansari. Even though the police have invoked section 307 and 333 of the I.P.C. also, it is conceded that in the whole incident only two persons suffered one injury each. Injuries could be caused by some blunt weapon like stones and injuries were simple by nature. Section 333 can be invoked only if there is grievous hurt to the public servant while discharging the official duty. Taking into consideration simple injuries suffered by only two persons, I find that when investigation is completed and charge-sheet is filed, there is no justification to refuse bail to the present applicant.

4. The applicant be released on his executing P.R.Bond of Rs.5,000/- with surety in the like amount with condition that he shall not tamper with the

prosecution evidence.

(J.H.Bhatia,J.)